

106th TN General Assembly

Second Regular Session



Thursday, February 25, 2010

Senate – 61st Legislative Day House – 57th Legislative Day

SENATE

BILLS / RESOLUTIONS

***SR 0200 by *Johnson**

Memorials, Congress - Urges postponement of Environmental Protection Agency's effort to regulate greenhouse gas emissions from stationary sources using existing Clean Air Act authority. -

SJR 0810 by *Southerland

Memorials, Death - Thomas H. Hensley -

SJR 0811 by *Johnson

Memorials, Recognition - George Hamilton IV -

SJR 0812 by *Harper, Barnes, Beavers, Berke, Black, Bunch, Burchett, Burks, Crowe, Faulk, Finney L, Ford, O., Gresham, Haynes, Henry, Herron, Jackson, Johnson, Kelsey, Ketron, Marrero B, McNally, Norris, Overbey, Southerland, Stewart, Tate, Tracy, Watson, Woodson, Yager, Ramsey

Memorials, Retirement - Janice Waggoner -

SJR 0813 by *Johnson

Memorials, Recognition - George Hamilton IV -

SB 3928 by *McNally (HB 3970 by *Hackworth, Winningham)

Norris - As introduced, subject to local approval, establishes a new charter for the city of Norris. - Amends Chapter 566 of the Private Acts of 1949; as amended.

SECOND CONSIDERATION

LOCAL, HELD ON DESK – HB 3928.

THIRD CONSIDERATION

Consent Calendar:

SJR 799 – ADOPTED 31-0.

SJR 800 – RE-SET to 3/1/10.

HJR's 803, 822, 824, 825, 826, 827 – CONCURRED 31-0.

HJR's 828, 829, 831, 835, 836, 837, 838 – CONCURRED 31-0.

SB's 2624, 2649, 3172, 2587 – PASSED 31-0.

(Senate Third Considerations cont.)

Regular Calendar:

SB 670 – s/c HB 378 – PASSED 31-0.
SB 3872 – Amd. #1 ad. – PASSED AS AMENDED 31-0.
SR 176 – Amd. 31 ad. – ADOPTED AS AMENDED 30-0.
SB 3144 – Amd. #1 ad. – PASSED AS AMENDED 28-1-1.
SB 3870 – Amd. #1 ad. – PASSED AS AMENDED 30-0.

OTHER ACTION

HJR 864 – s/r CONCURRED v.v.

COMMITTEE CALENDARS FOR TUESDAY, MARCH 2, 2010

COMMERCE, LABOR & AGRICULTURE – HHR #12 – 1:00 p.m. –
SB's 3213, 2912, 3840, 3841, 2645, 3289, 3890, 3019, 3877, 3808, 3529, 2497, 2843, 3860, 3861, 3859.
Budget Presentations: Labor, TennCare.
ENVIRONMENT, CONSERVATION & TOURISM – SHR #12 – 10:30 a.m. –
SB's 2415, 2778, 3634, 2987. Budget Presentation: TWRA.
FINANCE, WAYS & MEANS – SHR #12 – 8:30 a.m. –
SB's 2502, 2638, HJR 119, SJR 765, SB's 2513, 2557, 2575, 2609, 2610, 2643, 2713, 2755, 2853, 2872, 2937,
3316, 3516, 3575, 3624. Budget Presentation: TN State Museum.
JUDICIARY – SHR #12 – 3:00 p.m. –
SR's 187, 188, SB's 3130, 2821, 3203, 2875, 2813, 3725, 3726, 2982, 3246, 3247, 2988, 2612, 2999, 3001,
3002, 3003, 3004, 2341, 2860, 2628, 2965, 844, 3296. Budget Presentations: Office of the Post-Conviction
Defender, District Attorney's Conference.
TRANSPORTATION – SHR #12 – 11:30 a.m. –
HJR 472, SB's 1686, 3032, 3168, 3345, 3416, 3442, 3458, 3671, 2714, 2998, 3871, 3436. Budget Presentation:
Transportation.

COMMITTEE CALENDARS FOR WEDNESDAY, MARCH 3, 2010

EDUCATION – SHR #12 – 1:00 p.m. –
NO BILLS ON NOTICE – Budget Presentations; State Board of Education, Dept. of Education.
GENERAL WELFARE, HEALTH & HUMAN RESOURCES – SHR #12 – 3:30 p.m. –
SB's 3245, 3189, 3209, 2974, 2639, 1788, 2537, 2541, 2956. Budget Presentation: Children's Services.
GOVERNMENT OPERATIONS – SHR #12 – 2:30 p.m. –
SB's 2455, 2458, 2459, 2463, 2464, 2467, 2449, 2443, 2462, 2457, 2440, 2451, 2453, 2445, 2456, 2461.
STATE & LOCAL GOVERNMENT – SHR #12 – 10:00 a.m. –
SB's 3191, 3050, 3430, 2756, SJR 767, SB's 2839, 3464, 3270, 2486, 2975, 3131, 3194, 3198, 3428, 3480,
3824, 3857, 2580, 2581, 2760, 2811, 2944, 2945, 3013, 135, 2658, 3602, 3640. Budget Presentations: Military
Dept., TACIR, TRICOR, Human Resources, ABC.

MESSAGE FROM THE GOVERNOR

SJR's 762, 766, 769, 770, 771, 772, 773, 774, 775, 776, 777, 779, 780, 781, 788 – SIGNED 2/24/10.

CALENDARS FOR MONDAY, MARCH 1, 2010

Consent

1. **SJR 0802 by *Black**
Memorials, Sports - Gene Beck, TSSAA Hall of Fame -
2. **SJR 0804 by *Yager**
Memorials, Professional Achievement - Stephanie S. Walker, Special Education Supervisor of the Year for East Tennessee -
3. **SJR 0805 by *Yager**
Memorials, Recognition - The Cornstalk District, Harriman, Best Old-House Neighborhood of 2010 -
4. **SJR 0806 by *Yager**
Memorials, Death - Grover Stanley Dalton -
5. **SJR 0807 by *Berke**
Memorials, Sports - Dr. John Farr, Fred Gregg, Jr., Award -
6. **SJR 0808 by *Berke**
Memorials, Professional Achievement - John Graham, 2009 Robert M. Wormsley Outstanding County Official of the Year -
7. **SJR 0809 by *Berke**
Memorials, Recognition - Lt. Commander Carol McKenzie -
8. **SR 0196 by *Burchett**
Memorials, Sports - Michael Wright, USA Diving One-Meter Springboard National Champion -
9. **SR 0197 by *Burchett**
Memorials, Recognition - Stavroula Christopoulos, 2010 Prudential Spirit of Community Award -
10. **SR 0199 by *McNally**
Memorials, Recognition - Tennessee Youth State Conference -
11. **HJR 0839 by *Maggart, Lynn, McDonald, Bone**
Memorials, Personal Occasion - L.H. "Dink" Newman, 90th birthday -
12. **HJR 0840 by *Moore**
Memorials, Recognition - Savannah Claire Taylor -
13. **HJR 0844 by *Coley**
Memorials, Recognition - Michael McDonald -
14. **HJR 0845 by *Fraley**
Memorials, Death - James Bedford -
15. **HJR 0846 by *Litz**
Memorials, Recognition - Neenah Ann Williams -
16. **HJR 0847 by *Litz**
Memorials, Academic Achievement - Mattie Bryant, Hamblen County Spelling Bee Champion -
17. **HJR 0848 by *Halford, Maddox**
Memorials, Personal Occasion - Opal Dameron, 100th birthday -
18. **HJR 0849 by *Curtiss**
Memorials, Recognition - Lumbermens Merchandising Corporation, 75th anniversary -
19. **HJR 0853 by *Cobb T**
Memorials, Death - Chief Warrant Officer Clayton Marshall Hickman -
20. **HJR 0854 by *Johnson C, Johnson P, Pitts**
Memorials, Death - G. L. Landiss -
21. **HJR 0855 by *Mumpower, Lundberg**
Memorials, Recognition - City of Bristol sign, 100th anniversary -
22. **HJR 0856 by *Rich**
Memorials, Recognition - Earl M. Smith, 2010 Tennessee Soil Conservation Farmer of the Year -
23. **HJR 0857 by *McDonald, Bone, Maggart, Gilmore, Evans**
Memorials, Death - Dr. Hal Ramer -
24. **HJR 0858 by *Pitts, Johnson C, Johnson P**
Memorials, Recognition - Theta Tau Chapter of Phi Mu Alpha Sinfonia, Austin Peay State University, 50th anniversary -

(Senate Calendars cont.)

Consent #2

1. ***SB 2388 by *Jackson, Black (HB 2568 by *Fincher)**
Sexual Offenses - As introduced, adds offense of aggravated rape of a child to list of offenses for which offender is required to be sentenced to community supervision for life. - Amends TCA Title 39, Chapter 13, Part 5.
2. ***SB 2803 by *Jackson (HB 2910 by *Tidwell)**
Forest and Forest Products - As introduced, enacts the "Forest Product Fairness Act." - Amends TCA Title 11, Chapter 4 and Title 43.
3. **SB 2879 by *Faulk (*HB 2962 by *Faulkner)**
Public Records - As introduced, expands time in which the chief law enforcement official is required to notify a requestor of a law enforcement officer's personal information that there is a specific reason for withholding such information from two business days to seven business days. - Amends TCA Title 10, Chapter 7.
4. ***SB 3000 by *Barnes (HB 3424 by *Litz, Hackworth)**
Adoption - As introduced, states that the department of children's services shall have made a reasonable effort if the department's efforts have exceeded the efforts of the parent or guardian to establish a suitable home for the parent or guardian's child. - Amends TCA Section 36-1-102 and Section 37-2-402.
5. **SB 3583 by *Ketron (*HB 3161 by *Curtiss)**
Education - As introduced, allows any school resource officer who witnesses an offense by a student receiving special education to take the student into custody. - Amends TCA Title 49, Chapter 10, Part 13.
6. **SB 3788 by *Bunch (*HB 3037 by *Dennis)**
Real Property - As introduced, clarifies that person may redeem property by paying money to the clerk within one year of date of order of confirmation of sale, evidenced by county register of deeds records. - Amends TCA Section 67-5-2702.
7. **SB 3807 by *Johnson (*HB 3327 by *Harwell)**
Public Funds and Financing - As introduced, requires each local government participating in the local government investment pool to transfer electronically to the pool any funds the local government desires to be invested in the pool. - Amends TCA Title 9, Chapter 4, Part 7.
8. ***SB 3853 by *Kyle, Finney L (HB 3813 by *DeBerry L, Turner M)**
Health Care - As introduced, revises the list of licenses a Level 2 adult care home provider serving residents with traumatic brain injury or a resident manager employed by the provider must hold to include a "licensed rehabilitation professional or licensed mental health professional" instead of a "respiratory therapist." - Amends TCA Section 68-11-209.

Regular

1. **SB 0565 by *Yager (*HB 0414 by *Windle, Campfield, Cobb T, Faulkner)**
Correction, Dept. of - As introduced, authorizes inmate relations coordinators to carry firearms to same extent as correctional officers. - Amends TCA Title 39, Chapter 17, Part 13.
2. **SB 1122 by *Norris (*HB 0736 by *Hardaway, Towns)**
Courts - As introduced, requires the court clerk to provide a debtor an itemized statement showing any balance due for any judgment required by the court or by agreement of the parties to be paid to the court through the clerk's office; requires that as debtor makes payment the debtor be provided a receipt showing balance owed. - Amends TCA Title 18.
3. ***SB 2391 by *Jackson (HB 3240 by *McCord)**
Firearms and Ammunition - As introduced, removes the authority of the governor to commandeer or limit the sale or transportation of firearms, ammunition, or firearm or ammunition components during a state of emergency, major disaster, or natural disaster. - Amends TCA Title 58, Chapter 2, Part 1.
4. ***SB 2863 by *Stewart (HB 3002 by *McDaniel)**
Insurance, Health, Accident - As introduced, implements and describes certain coverage limitations and benefits provided by the life and health insurance guaranty association. - Amends TCA Title 56, Chapter 12.

(Senate Regular Calendar cont.)

5. *SB 3030 by *Faulk (HB 3103 by *Lundberg)

Garnishments and Executions - As introduced, disallows service of summons upon an employee of a garnishee on behalf of the garnishee when such employee is the debtor. - Amends TCA Title 26.

6. *SB 3906 by *Kyle, Burks (HB 3782 by *Gilmore, Turner M)

Insurance Companies, Agents, Brokers, Policies - As introduced, enacts the "Property and Casualty Actuarial Opinion Law." - Amends TCA Title 56, Chapter 1, Part 4 and Title 56, Chapter 1, Part 5.

7. *SB 2530 by *Tracy (HB 2669 by *Carr, Johnson P, Ramsey, Haynes, Hensley, Sargent, McCormick, Matheny, Shipley, Brooks K, Casada)

Lottery, Charitable - As introduced, extends deadline for applications for 2009-2010 annual events from 15 days after May 7, 2009, to five days after this act becomes law; requires secretary of state to submit third omnibus list for 2009-2010 annual events. - Amends TCA Title 3, Chapter 17, Part 1.

8. SJR 0800 by *Kyle, Burks, Henry, Harper, Haynes, Herron, Burchett, McNally, Crowe, Ramsey, Jackson, Faulk, Berke, Marrero B, Yager

Memorials, Death - Senator Anna Belle Clement O'Brien -

SENATE CONVENES AT 5:00 P.M., MONDAY, MARCH 1, 2010

HOUSE

BILLS / RESOLUTIONS

HB's 3969 & 3970 were introduced and passed on first consideration.

Received from Senate, held on House desk – SB's 2584, 2585, 2681, 2793, 2859, 3031, 3522, 3553, 3578.

HR 0252 by *Barker

Memorials, Recognition - Dr. William Oakley -

HR 0253 by *Bone

Memorials, Professional Achievement - Nathan Johnson, Athletic Trainer of the Year -

HR 0254 by *Harwell

Memorials, Recognition - Jamie Grimstad, Prudential Spirit of Community Awards -

HJR 0860 by *Halford

Memorials, Recognition - Humboldt General Hospital, Gold Seal of Approval -

HJR 0861 by *Miller L

Naming and Designating - "Kappa Alpha Psi Fraternity Day on the Hill," March 9, 2010 -

HJR 0862 by *Matlock

Memorials, Recognition - Kenneth Hines -

HJR 0863 by *Matlock

Memorials, Recognition - Kenneth and Estelle Ward -

HJR 0864 by *Matheny

Memorials, Retirement - Jesse L. Simmons, Sr. -

(House Resolutions cont.)

HJR 0865 by *Matlock, Ferguson

Memorials, Retirement - Brenda Aikens -

HB 3970 by *Hackworth, Winningham (SB 3928 by *McNally)

Norris - As introduced, subject to local approval, establishes a new charter for the city of Norris. - Amends Chapter 566 of the Private Acts of 1949; as amended.

SECOND CONSIDERATION

HB's 3960 – 3968 were passed on second consideration.

1/29/10

GOVERNMENT OPERATIONS – HB 2930

STATE & LOCAL GOVERNMENT – HB 2900.

2/1/10

CAPTION, HELD ON DESK – HB 3178.

2/3/10

COMMERCE – HB 3654.

GOVERNMENT OPERATIONS – HB 3527.

HEALTH & HUMAN RESOURCES – HB 3374.

STATE & LOCAL GOVERNMENT – HB's 3555, 3600.

2/8/10

CAPTION, HELD ON DESK – HB 3943.

GOVERNMENT OPERATIONS – HB 3799.

2/23/10

CONSUMER & EMPLOYEE AFFAIRS – HB 3299.

GOVERNMENT OPERATIONS – HR 3014.

2/24/10

COMMERCE – HB 3612.

JUDICIARY – HB's 3022, 3178, 3588.

THIRD CONSIDERATION

Consent Calendar:

HR 253 – ADOPTED 96-1.

HJR 859 – ADOPTED 96-1.

SJR 803 – CONCURRED 96-1.

Regular Calendar:

HB 3941 – RE-REF to S&L.

HJR 841 – HELD on desk.

HJR 843 – HELD on desk.

OTHER ACTION

HR 256 – s/r ADOPTED 97-0.

HR 267 – s/r ADOPTED 97-0.

HJR 864 – S/R ADOPTED 96-1.

SJR 182 – s/r CONCURRED 96-0.

HB's 2523, 3012, 3201, 3320 – WITHDRAWN.

COMMITTEE REPORTS

CALENDAR & RULES – HHR #16 – 8:00 a.m. –

Reg. Cal. 3/1 – HB's 3036, 2552, 2551, 2757, 3804, HJR 787, HB's 3354, 3829, 3023, HJR 788, HB's 3270, 2687, 3006, 2754, 2823, 2503, 2581, 3185, 3862, 3863, 3075, 3609, 2799.

Con. Cal. 3/1 – HB's 3903, 3007, 3202, HJR 767, HB's 2524, 3813, HJR 752, HB's 3047, 3610, 2509, HJR 733, HB 3131.

Action def. – HB 3804.

Re-Ref to FW&M – HB 3876.

COMMITTEE CALENDARS FOR TUESDAY, MARCH 2, 2010

AGRICULTURE – HHR #29 – 9:15 a.m. –

HJR's 832, 833, 834, HB 2910. Presentation by: TN Forestry Assn., TN Division of Forestry.

CHILDREN & FAMILY AFFAIRS – HR #31 – 12:00 noon –

HB's 677, 3454, 2372, 5.

COMMERCE – HHR #16 – 9:15 a.m. –

HB's 2904, 3831, 3694, 3478, 1242, 3158, 2367, 3830, 3849.

CONSERVATION & ENVIRONMENT – HHR #29 – 2:00 p.m. –

NO BILLS ON NOTICE – committee will NOT meet.

FINANCE, WAYS & MEANS – HHR #16 – 2:00 p.m. –

HB's 2507, 2696, 2715, 2753, 3033, 3044, 3280, 3309, 3500, 3660, HJR's 746, 754.

HEALTH & HUMAN RESOURCES – HHR #16 – 10:30 a.m. –

HB's 1871, 2585, 2634, 3251, 3833, 2504, 3139, 3719.

JUDICIARY – HHR #31 – 3:30 p.m. –

HB's 2506, 2625, 2752, 3203, 3222, 2560, 2796, 2760, 3631, 1701, 2917, 2568, 2670, 3035, 2835, 3040, 3462, 3053, 2769, 3652, 2690, HR's 234, 237, HB's 3279, 3281, 3586.

STATE & LOCAL GOVERNMENT – HHR #16 – 12:00 noon –

SJR 711, HJR's 817, 763, HB's 2748, 3056, 3034, 3344, 2842, 3243, 3890, 2744, 2580, 187, 3190, 3389, 3341, 3152, 1357, 2822, 3618, 3070, 3469, 3639, 3453..

TRANSPORTATION – HHR #16 – 3:30 p.m. –

NO BILLS ON NOTICE – committee will NOT meet.

COMMITTEE CALENDARS FOR WEDNESDAY, MARCH 3, 2010

CONSUMER & EMPLOYEES AFFAIRS – HHR #29 – 8:30 a.m. –

HB 3789.

EDUCATION – HHR #16 – 11:00 a.m. –

HB's 376, 3737, 3733, 3148, 3415, 3332, 3517, HJR 781, HR 59.

GOVERNMENT OPERATIONS – HHR #30 – 10:00 a.m. –

HB's 3362, 3439, 2791, 3799, 2966, 3055, 3114, 3549, 2811, 3014, 3180, 1016, 2446, 2455, 2456, 2458, 2462, 2471, 2479, 2592, 2594, 2596, 2603, 2605, 2616, 2617, 2619, 2859, 3291.

SUBCOMMITTEE CALENDARS FOR TUESDAY, MARCH 2, 2010

Consumer Affairs – HHR #30 – 8:30 a.m. –

HB 2118.

Domestic Relations – HHR #30 – 3:30 p.m. –

HB's 2627, 2628, 2630, 3753, 3021, 3020.

Elections – HHR #16 – Immediately following S&L –

HB's 744, 3182, 2750, 2673, 1770, 3060, 3019.

Environment – HHR #29 – 10:30 a.m. –

NO BILLS ON NOTICE – committee will NOT meet.

(3/2 Subcommittee Calendars cont.)

Family Justice – HHR #31 – Immediately following H&HR –
HB's 2916, 3720, 2658.

General – HHR #29 – 10:30 a.m. –

NO BILLS ON NOTICE – committee will NOT meet.

Professional Occupations – HHR #31 – 8:30 a.m. –

HB's 568, 2337, 2587, 2679, 2895, 3368.

Public Safety – HHR #16 – 4:00 p.m. –

NO BILLS ON NOTICE – committee will NOT meet.

State Government – HHR #30 – 2:00 p.m. –

HB's 3638, 3640, 3061, 3510, 3756, 3364, 3605, 895, 3402, 3836, 3847, 3445, 3533, 3819, 3810, 3939, 3153,
HJR 744, HB 3429.

Utilities & Banking – HHR #30 – 10:30 a.m. –

HB's 2970, 3773, HJR 748, HB's 3823, 3046, 2727.

Wildlife – HHR #29 – 12:00 noon –

HB's 725, 2839, 134.

SUBCOMMITTEE CALENDARS FOR WEDNESDAY, MARCH 3, 2010

Budget – HHR #29 – 11:00 a.m. –

HB's 2950, 2866, 2868, 2755, 2756, 2990, 3360, 814, 2435, 2480, 3169, 2349, HJR's 820, 769, HB's 3088,
3608, 3355, 1911, 2510, 969, 3176.

Civil Practice & Procedure – HHR #31 – 12:30 p.m. –

HB's 2941, 3078, 3539, 3793, 2805, 3314, 3391, 3135, 3382, 3083, 3659, 3861, 2689, 2691, 2751..

Criminal Practice & Procedure – HHR #31 – 11:00 a.m. –

HB's 2765, 2801, 2059, 3561, 2951, 2962, 3196, 3282, 3284, 3283, 3784, 2891, 3181, 2762, 2993, 3221, 3333,
3263, 673, 672, 3370, 2438, 2788, 1374, 1130, 1129, 32, HR 83, HB's 1304, 2718, 3063, 3096, 2813, 2832,
2907.

Employee Affairs – HHR #29 – 12:30 p.m. –

HB's 776, 2685, 2787, 3421, 3696.

Health Care Facilities – HHR #30 – 12:30 p.m. –

HB's 2520, 2656, 2790, 2949, 2987, 3316.

Higher Education – HHR #16 – 9:15 a.m. –

HB's 2474, 2936, 3188, 3413, 3542.

Industrial Impact – HHR #31 – 10:00 a.m. –

HB's 2023, 2586, 3002, 3759, 3654, 2984, 3317, 2986, 2692, 3641, 2794.

K-12 – HHR #16 – 10:00 a.m. –

HB's 3711, 3105, 3168, 3411, 836, 2419, 3028, 3406, 3745, 797, 2538, 2955, 2967, 3336, 3866, 3874, 2772,
2810, 3107, 3109, 3233, 3450, 3546.

Local Government – HHR #31 – 8:30 a.m. –

HB's 761, 2712, 1139, 2894, 3204, 3732, 3417, 3854, 3042, 3611, 2827, 2401, 3938, 3175, 2834, 3635.

Parks & Tourism – HHR #16 – 12:30 p.m. –

HB 3755. Presentation: Environment & Conservation.

Public Health & Family Assistance – HHR #30 – 1:30 p.m. –

HB's 3301, 3495, 564, 3286, 3210.

Rural Roads – HHR #30 – 8:30 a.m. –

NO BILLS ON NOTICE – committee will NOT meet.

Small Business – HHR #30 – 9:15 a.m. –

HB's 3320, 3571, 3844, 34.

HOUSE CONVENES AT 5:00 P.M., MONDAY, MARCH 1, 2010